IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION Nos 9055 AND 9056 of 2002

WRIT PETITION No.9055 of 2002

Between:

1. T. Madana Mohan Reddy s/o Late T. Malli Reddy
A.P. Residential School, Mukkavaripalli resident of Kuntrapakam village and post Tirupati Rural Mandal, Chittoor District.
2. C.V. Sankar Reddy s/o. C.V. Muni Reddy
Thanapalli Village, Kuntrapakam village and post, Tirupati Rural Mandal, Chittoor district.

..... PETITIONERS

AND

1. The Appellate authority under Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of
Pollution) Act 1981, Andhra Pradesh, Hyderabad.
2. The State of A.P. rep. by its Secretary Environmental, Forest and Science Technology Department, Secretariat, Hyderabad
3. The A.P. Pollution Control Board Regional Office, Tirupati.
4. A.P.Pollution Control Board, 2nd Floor Maitrivanam, HUDA complex, Hyderabad, rep. by its Member Secretary.
5. M/s. Sree Durga Stone Crushers, c/o L.Mugaraja Naidu Lakkala Thanepalli (V) Tirupati, Chittoor district.
6. J. Ramanatha Reddy s/o Late Garata Reddy
Resident of Thanepalli village, Kuntrpakam branch post office Tirupati Rural Mandal, Chittoor district.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of certiorari or any other appropriate writ or direction calling for the records relating to the order of the 1st respondent passed in I.A.7/2002 in Appeal No. 9/2001 dated 29.4.2002 and quash the same.

Counsel for the Petitioner: Mr.O.MANOHER REDDY

Counsel for the Respondent No.2: Spl.G.P. for Advocate-

General.

Counsel for the Respondent Nos.1,3&4: Mr.S.V.Bhatt

Counsel for the Respondent No.5: Mr.M.P.Chandramouli

Counsel for the Respondent No.6: Mr.V.Ravinder Rao

(not present).

W.P.No. 9056 of 2002.

Between:

1. Smt. K. Kalavathamma w/o K.R. Jayarami Reddy.
residing at Thanapalli village, Kuntrapakam post, Tirupati Rural Mandal,Chittoor district.
2. H. Krishna Reddy s/o M. Venkata Reddy
Z.P.P.High School, Durgasamudram, resident of Kuntrapakam village and post, Tirupati Rural Mandal,
Chittoor district.

..... PETITIONERS

AND

1. The Appellate authority under Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of
Polluition) Act 1981, Andhra Pradesh, Hyderabad.)
2. State of A.P. rep. by its Secretary, Environmental, Forest and Science Technology Department, Secretariat, Hyderabad.
3. The A.P. Pollution Control Board Regional Office, Tirupati.
4. A.P. Pollution Control Board 2nd Floor Maitrivanam, HUDA complex Hyderabad, rep. by its Member Secretary.
5. M/S Ayyappa Stone Crushers 19-3-7C, Renigunta road Tirupati, Chittoor district rep. by its Proprietor
Sri C. Rama Mohan Rao.
6. J. Ramanatha Reddy s/o Late Garata Reddy
resident of Thanapalli village, Kuntrpakam branch post office, Tirupati rural mandal,

Chittoor district.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of certiorari or any other appropriate writ or direction calling for the records relating to the order of the 1st respondent passed in I.A.6/2002 in Appeal No. 8/2001 dated 29.4.2002 and quash the same.

Counsel for the Petitioner: Mr.O.MANOHER REDDY

Counsel for the Respondent No.2: Spl.G.P. for Advocate-

General.

Counsel for the Respondent Nos.1,3&4: Mr.S.V.Bhatt

Counsel for the Respondent No.5: Mr.M.P.Chandramouli

Counsel for the Respondent No.6: Mr.V.Ravinder Rao

(not present).

The Court made the following :

ORAL COMMON ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Challenge in these two Writ Petitions is to an interim order passed by the appellate authority extending time to the respondent-crushers to comply with the directions issued by the appellate authority while disposing of the appeal of the respondent-crushers. Initially orders were passed, which were later modified and now, by passage of time, the orders impugned have themselves worked out, thereby, rendering the writ petitions infructuous. The question of law raised by the learned counsel for the petitioners is that once appeal stands disposed of by the appellate authority under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981, can the appellate authority exercise its power for granting extension of time or modification after the disposal of the appeals? While leaving this question open to be decided in appropriate

proceedings, we dismiss the present Writ Petitions as having been rendered infructuous. No costs.

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DEVINDER GUPTA, C.J.

12.8.2004

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C.V.RAMULU, J.

VR.

To

1. The Appellate authority under Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of
Polluition) Act 1981, Andhra Pradesh, Hyderabad.)
2.The Secretary to Government of A.P, Environmental, Forest and Science Technology Department, Secretariat, Hyderabad.
3. The A.P. Pollution Control Board Regional Office, Tirupati.
4. The Member-Secretary, A.P. Pollution Control Board, 2nd Floor Maitrivanam, HUDA complex Hyderabad.

5. Two CCs to Advocate-General, High Court Bldgs., Hyderabad (OUT).

6. Two CD copies.